

CHAPTER 8
PRIVATE ACTIVITY BOND ALLOCATION

265—8.1(7C) General. The governor has appointed the executive director of the Iowa finance authority as the governor's designee responsible for administration of the law which establishes procedures for allocation of private activity bonds as defined in Section 103(n) of the Internal Revenue Code. Procedures set out in the law and in these rules shall be followed in allocating the private activity bond state ceiling between cities, counties and the state of Iowa.

265—8.2(7C) Forms. Information and forms necessary for compliance with provisions of the law are available upon request from the Iowa Finance Authority, 100 East Grand Avenue, Suite 250, Des Moines, Iowa 50309. The telephone number of the authority is (515)281-4058.

265—8.3(7C) Formula for allocation. The state ceiling shall be allocated among all issuers on the basis of chronological order of receipt of applications. Chronological order of receipt shall be determined by the date, hour and minute indicated by the time stamp as affixed to the application at the offices of the governor's designee.

265—8.4(7C) Application for allocation. An issuer or beneficiary, or the duly authorized agent of an issuer or beneficiary must make an application, by filing the form available from the governor's designee entitled, "Application and Response," for the allocation of a portion of the private activity bonds state ceiling.

265—8.5(7C) Certification of allocation. Upon receipt of a completed application, the governor's designee shall promptly certify to the issuer the amount of the state ceiling allocated to the bonds for the purpose of the project for which the application was submitted. If the bonds are issued and delivered prior to the expiration date of the allocation, then the issuer or the issuer's attorney shall within ten days following the issuance and delivery of the bonds notify the governor's designee by filing the form captioned "Notice of Issuance and Delivery of Bonds." Upon receipt of the form the governor's designee shall return a time stamped copy of the form to the issuer or issuer's attorney.

265—8.6(7C) State ceiling carryforwards. In the event the aggregate principal amount of bonds issued by all issuers in a calendar year is less than the state ceiling for that calendar year, then an issuer may apply to the governor's designee for an allocation of a specified portion of the excess state ceiling to be applied to a specified carryforward project. The application must be in writing and shall comply with the carryforward provisions of Section 103(n) of the Internal Revenue Code and regulations promulgated under that section. All applications for carryforward of state ceiling must be filed with the governor's designee by December 31 of the calendar year for which the allocation is to be carried forward from.

265—8.7(7C) Expiration dates. If the expiration date of either the 90-day period or any 30-day extension period is a Saturday, Sunday or any day on which the offices of the state banking institutions or savings and loan associations in the state are authorized or required to close, the expiration date is extended to the first day thereafter which is not a Saturday, Sunday or previously described day.

265—8.8(7C) Resubmission of expired allocations. If an allocation expires, the issuer may resubmit its application for the same project or purpose. However, the resubmitted application shall be treated as a new application, and preference, priority or prejudice shall not be given to the application or the issuer as a result of the prior application.

265—8.9(7C) Priority allocations. In the event two applications for allocation are simultaneously filed, one of which is for a project for which an inducement resolution or other preliminary resolution for the purpose of taking official action was passed prior to October 19, 1983, then the purpose or project that was induced prior to October 19, 1983, shall be given priority among the simultaneously filed applications.

These rules are intended to implement Iowa Code chapter 7C.

[Filed emergency 10/18/85—published 11/6/85, effective 10/18/85]

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]